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ment for plaintiff, and defendant brings error. Reversed and remanded for new trial.

James G. Martin, of Norfolk, for plaintiff in error.

W. H. Venable, of Norfolk, for defendant in error.

PATTERSON et al. v. OVERBEY et al.

March 11, 1915.

[84 S. E. 647.]

1. Evidence (§ 450*)—Parol Evidence—Ambiguity—Description in Deed.—A description in a deed, "beginning at Fall creek bridge, in North Danville, Va., on C. street, thence down Fall creek, S. $7\frac{1}{2}^{\circ}$ W. 526 feet, S. $9\frac{1}{2}^{\circ}$ W. 376 feet, S. 12° E. 73 feet, which point is 40 feet from the center of R. & D. R. R. main track," was not ambiguous, and should have been interpreted by the court without the aid of extraneous evidence.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. §§ 2066-2082, 2084; Dec. Dig. § 450.* 10 Va.-W. Va. Enc. Dig. 713; 14 Va.-W. Va. Enc. Dig. 805.]

2. Boundaries (§ 3*)—Conflicting Elements—Control of Natural Monuments over Courses and Distances.—Where a boundary was described as "beginning at Fall creek bridge, in North Danville, Va., on C. street, thence down Fall creek, S. $7\frac{1}{2}^{\circ}$ W. 526 feet, S. $9\frac{1}{2}^{\circ}$ W. 376 feet, S. 12° E. 73 feet, which point is 40 feet from the center of R. & D. R. R. main track," it fell within the rule that, when a boundary is described as running along a stream, it is to be construed as following the stream, though the calls from point to point for monuments, with courses and distances, may vary from the course of the stream; it being a natural monument controlling the courses and distances, and it being presumed that the parties never intended to leave a narrow strip between the stream and the boundary line.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 3-41; Dec. Dig. § 3.* 2 Va.-W. Va. Enc. Dig. 594; 14 Va.-W. Va. Enc. Dig. 168; 15 Va.-W. Va. Enc. Dig. 139.]

Appeal from Circuit Court of City of Danville.

Action by W. D. Overbey and another against Chalmers Patterson and others. From a judgment for plaintiffs, defendants appeal. Reversed.

Malcolm K. Harris and *Eugene Withers*, both of Danville, for appellants.

William Leigh, of Danville, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.